

107TH CONGRESS
1ST SESSION

H. R. 668

To amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2001

Mrs. KELLY (for herself, Mrs. TAUSCHER, Mr. FILNER, Mrs. JOHNSON of Connecticut, Mr. NEAL of Massachusetts, Mr. SWEENEY, Mrs. ROUKEMA, Mr. CAPUANO, Mr. LAHOOD, Mr. SMITH of New Jersey, Mr. GILMAN, Mr. WELLER, Mr. MCGOVERN, Mr. LARSEN of Washington, Mr. TIERNEY, and Mrs. THURMAN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; AMENDMENT OF FEDERAL**
4 **WATER POLLUTION CONTROL ACT.**

5 (a) IN GENERAL.—This Act may be cited as the
6 “Clean Water Infrastructure Financing Act of 2001”.

1 (b) AMENDMENT OF FEDERAL WATER POLLUTION
 2 CONTROL ACT.—Except as otherwise expressly provided,
 3 whenever in this Act an amendment or repeal is expressed
 4 in terms of an amendment to, or repeal of, a section or
 5 other provision, the reference shall be considered to be
 6 made to a section or other provision of the Federal Water
 7 Pollution Control Act (33 U.S.C. 1251–1387).

8 **SEC. 2. GENERAL AUTHORITY FOR CAPITALIZATION**
 9 **GRANTS.**

10 Section 601(a) (33 U.S.C. 1381(a)) is amended by
 11 striking “(1) for construction” and all that follows
 12 through the period and inserting “to accomplish the pur-
 13 poses of this Act.”.

14 **SEC. 3. CAPITALIZATION GRANTS AGREEMENTS.**

15 (a) REQUIREMENTS FOR CONSTRUCTION OF TREAT-
 16 MENT WORKS.—Section 602(b)(6) (33 U.S.C.
 17 1382(b)(6)) is amended—

18 (1) by striking “before fiscal year 1995”; and
 19 (2) by striking “201(b)” and all that follows
 20 through “218” and inserting “211”.

21 (b) GUIDANCE FOR SMALL SYSTEMS.—Section 602
 22 (33 U.S.C. 1382) is amended by adding at the end the
 23 following new subsection:

24 “(c) GUIDANCE FOR SMALL SYSTEMS.—

1 “(1) SIMPLIFIED PROCEDURES.—Not later than
2 1 year after the date of the enactment of this sub-
3 section, the Administrator shall assist the States in
4 establishing simplified procedures for small systems
5 to obtain assistance under this title.

6 “(2) PUBLICATION OF MANUAL.—Not later
7 than 1 year after the date of the enactment of this
8 subsection, and after providing notice and oppor-
9 tunity for public comment, the Administrator shall
10 publish a manual to assist small systems in obtain-
11 ing assistance under this title and publish in the
12 Federal Register notice of the availability of the
13 manual.

14 “(3) SMALL SYSTEM DEFINED.—For purposes
15 of this title, the term ‘small system’ means a system
16 for which a municipality or intermunicipal, inter-
17 state, or State agency seeks assistance under this
18 title and which serves a population of 20,000 or
19 less.”.

20 **SEC. 4. WATER POLLUTION CONTROL REVOLVING FUNDS.**

21 (a) ACTIVITIES ELIGIBLE FOR ASSISTANCE.—Sec-
22 tion 603(c) (33 U.S.C. 1383(c)) is amended to read as
23 follows:

24 “(c) ACTIVITIES ELIGIBLE FOR ASSISTANCE.—

1 “(1) IN GENERAL.—The amounts of funds
2 available to each State water pollution control re-
3 volving fund shall be used only for providing finan-
4 cial assistance to activities which have as a principal
5 benefit the improvement or protection of water qual-
6 ity of navigable waters to a municipality, intermunic-
7 ipal agency, interstate agency, State agency, or
8 other person. Such activities may include the fol-
9 lowing:

10 “(A) Construction of a publicly owned
11 treatment works.

12 “(B) Implementation of lake protection
13 programs and projects under section 314.

14 “(C) Implementation of a management
15 program under section 319.

16 “(D) Implementation of a conservation and
17 management plan under section 320.

18 “(E) Restoration or protection of publicly
19 or privately owned riparian areas, including ac-
20 quisition of property rights.

21 “(F) Implementation of measures to im-
22 prove the efficiency of public water use.

23 “(G) Development and implementation of
24 plans by a public recipient to prevent water pol-
25 lution.

1 “(H) Acquisition of lands necessary to
2 meet any mitigation requirements related to
3 construction of a publicly owned treatment
4 works.

5 “(2) FUND AMOUNTS.—The water pollution
6 control revolving fund of a State shall be established,
7 maintained, and credited with repayments, and the
8 fund balance shall be available in perpetuity for pro-
9 viding financial assistance described in paragraph
10 (1). Fees charged by a State to recipients of such
11 assistance may be deposited in the fund for the sole
12 purpose of financing the cost of administration of
13 this title.”.

14 (b) EXTENDED REPAYMENT PERIOD FOR FINAN-
15 CIALLY DISTRESSED COMMUNITIES.—Section 603(d)(1)
16 (33 U.S.C. 1383(d)(1)) is amended—

17 (1) in subparagraph (A) by inserting after “20
18 years” the following: “or, in the case of a financially
19 distressed community, the lesser of 40 years or the
20 expected life of the project to be financed with the
21 proceeds of the loan”; and

22 (2) in subparagraph (B) by striking “not later
23 than 20 years after project completion” and insert-
24 ing “upon the expiration of the term of the loan”.

1 (c) LOAN GUARANTEES.—Section 603(d)(5) (33
2 U.S.C. 1383(d)(5)) is amended to read as follows:

3 “(5) to provide loan guarantees for—

4 “(A) similar revolving funds established by
5 municipalities or intermunicipal agencies; and

6 “(B) developing and implementing innova-
7 tive technologies.”.

8 (d) ADMINISTRATIVE EXPENSES.—Section 603(d)(7)
9 (33 U.S.C. 1383(d)(7)) is amended by inserting before the
10 period at the end the following: “or \$400,000 per year
11 or ½ percent per year of the current valuation of such
12 fund, whichever is greater, plus the amount of any fees
13 collected by the State for such purpose under subsection
14 (c)(2)”.

15 (e) TECHNICAL AND PLANNING ASSISTANCE FOR
16 SMALL SYSTEMS.—Section 603(d) (33 U.S.C. 1383(d)) is
17 amended—

18 (1) by striking “and” at the end of paragraph
19 (6);

20 (2) by striking the period at the end of para-
21 graph (7) and inserting “; and”; and

22 (3) by adding at the end the following:

23 “(8) to provide to small systems technical and
24 planning assistance and assistance in financial man-
25 agement, user fee analysis, budgeting, capital im-

1 provement planning, facility operation and mainte-
2 nance, repair schedules, and other activities to im-
3 prove wastewater treatment plant operations; except
4 that such amounts shall not exceed 2 percent of all
5 grant awards to such fund under this title.”.

6 (f) CONSISTENCY WITH PLANNING REQUIRE-
7 MENTS.—Section 603(f) (33 U.S.C. 1383(f)) is amended
8 by striking “is consistent” and inserting “is not incon-
9 sistent”.

10 (g) CONSTRUCTION ASSISTANCE.—Section 603(g)
11 (33 U.S.C. 1383(g)) is amended to read as follows:

12 “(g) CONSTRUCTION ASSISTANCE.—

13 “(1) PRIORITY LIST REQUIREMENT.—The State
14 may provide financial assistance from its water pol-
15 lution control revolving fund with respect to a
16 project for construction of a publicly owned treat-
17 ment works only if such project is on the State’s pri-
18 ority list under section 216 of this Act without re-
19 gard to the rank of such project on the State’s pri-
20 ority list.

21 “(2) ELIGIBILITY OF CERTAIN TREATMENT
22 WORKS.—A treatment works shall be treated as a
23 publicly owned treatment works for purposes of sub-
24 section (c) if the treatment works, without regard to
25 ownership, would be considered a publicly owned

1 treatment works and is principally treating munic-
2 ipal waste water or domestic sewage.”.

3 (h) PRINCIPAL SUBSIDIZATION.—Section 603 is
4 amended by adding at the end the following:

5 “(i) PRINCIPAL SUBSIDIZATION.—In any case in
6 which a State makes a loan pursuant to subsection (d)(1)
7 to a financially distressed community, the State may pro-
8 vide additional subsidization, including forgiveness of prin-
9 cipal. The total amount of loan subsidies made by a State
10 under this subsection in a fiscal year may not exceed 30
11 percent of the amount of the capitalization grant received
12 by the State in such fiscal year.

13 “(j) FINANCIALLY DISTRESSED COMMUNITY DE-
14 FINED.—In this section, the term ‘financially distressed
15 community’ means any community that meets afford-
16 ability criteria established by the State in which the treat-
17 ment works is located, if such criteria are developed after
18 public review and comment.

19 “(k) INFORMATION TO ASSIST STATES.—The Ad-
20 ministrator may publish information to assist States in es-
21 tablishing affordability criteria under subsection (j).

22 “(l) PRIORITY.—A State may give priority to a finan-
23 cially distressed community in making loans from its
24 water pollution control revolving fund.”.

1 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 607 (33 U.S.C. 1387) is amended by striking
3 “the following sums:” and all that follows through the pe-
4 riod at the end of paragraph (5) and inserting
5 “\$3,000,000,000 for each of fiscal years 2002 through
6 2006.”.

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